

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
Hon. Douglas P. Miller, Chair
Case Management Subcommittee
Hon. Arthur E. Wallace, Chair
Patrick O'Donnell, Committee Counsel, 415-865-7665,
patrick.o'donnell@jud.ca.gov

DATE: October 16, 2002

SUBJECT: Petition for Name and Gender Change (adopt forms NC-200, NC-220, and NC-230; revise form NC-110) (Action Required)

Issue Statement

The Legislature has provided that a petition for name and gender change may be brought in a single petition. Specifically, Health and Safety Code section 103435 states that "a single petition for change of name and issuance of birth certificate reflecting a change of gender may be filed with the superior court."

New Judicial Council forms for petitioning for a name change were adopted effective January 1, 2001. However, those forms do not include provisions for a gender change. Consequently, persons seeking to file a single petition for changes in both name and gender change have been required to develop individualized attachments to the name change forms.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2003:

1. Adopt *Petition for Change of Name and Gender* (form NC-200), which combines requests for a decree of change of name and a decree of change of gender in a single petition;

2. Adopt *Order to Show Cause for Change of Name and Gender* (form NC-220) for use in cases where the petitioner is seeking a decree of both name and gender change;
3. Adopt *Decree Changing Name and Gender* (NC-230) for use in cases where the petitioner is seeking a decree of both name and gender change; and
4. Revise *Name of and Information About the Person Whose Name Is to Be Changed* (form NC-110) to indicate that this form is to be attached to combined petitions using form NC-200 as well as to name change petitions using form NC-100.

The new and revised forms are attached at pages 4–8.

Rationale for Recommendation

To implement Health and Safety Code section 103435 and to provide standardized forms for use by persons petitioning for a decree of name and gender change, three new forms should be adopted and one existing form should be revised.

For persons seeking decrees of both name and gender change, the *Petition for Change of Name and Gender* (form NC-200) would be used instead of the *Petition for Change of Name* (form NC-100). The instructions on the second page explain how to file the combined petition.

Also, two other forms should be adopted. *Order to Show Cause for Change of Name and Gender* (form NC-220) would be used instead of form NC-120 in cases where the petitioner is seeking a decree of both name and gender change. *Decree Changing Name and Gender* (NC-230) would be used instead of form NC-130 in cases where the petitioner is seeking a decree of both name and gender change. This decree includes an order for the issuance of a new birth certificate.

Finally, *Name of and Information About the Person Whose Name Is to Be Changed* (form NC-110) should be revised to indicate that it is to be attached to combined petitions using form NC-200 as well as to name change petitions using form NC-100.

Like the name change forms, the new forms for change of name and gender will be mandatory. This will ensure that the standardized forms will be used in all applicable cases, thereby simplifying the petition process for parties and the courts.

Alternative Actions Considered

Absent the new forms, parties seeking a combined change of name and issuance of a birth certificate indicating a gender change could continue to prepare their own petitions. But the committee considered it preferable for the Judicial Council to adopt a standardized petition specifically designed for such combined petitions.

Comments From Interested Parties

Eight comments were received on the new and amended forms. The commentators included a judge, court administrators, and a representative of the State Bar's Committee on Sexual Orientation and Gender.

The comments were mostly favorable. One commentator suggested technical corrections. The committee agreed and made those changes. Another commentator thought the forms were not necessary because existing forms could be used or pleadings prepared. The committee disagreed because it believed that the new and amended forms would standardize the process of petitioning for name and gender change and facilitate access to the courts.

A chart summarizing the public comments on the forms and the committee's responses is attached at pages 9–10.

Implementation Requirements and Costs

The courts may incur a minor expense in making the forms available. However, there should be advantages for both courts and litigants from having forms that are designed expressly for the purpose of handling combined petitions for name and gender change.

Attachments

PETITIONER OR ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (<i>Name</i>):	
<p style="text-align: center;">PETITION FOR CHANGE OF NAME AND GENDER</p>	CASE NUMBER:

Before you complete this petition, you should read the *Instructions for Filing Petition* on the reverse. You must answer all questions and check all boxes on this petition that apply to you. You must file this petition in the Superior Court of the county where the person whose name is to be changed resides.

1. Petitioner (*present name*): _____ requests that the
Court decree that petitioner's name is changed to (*proposed name*): _____
2. Petitioner requests a decree that the petitioner's gender is changed:
 - (1) ☐ from male to female.
 - (2) ☐ from female to male.
3. **An affidavit or declaration of a physician documenting the sex change is filed with this petition.**
4. Petitioner requests that the court order that a new birth certificate be issued reflecting the gender and name changes sought by this petition.
5. Petitioner requests that the court issue an order directing all interested persons to appear and show cause why this petition should not be granted.
6. Petitioner provides the following information in support of this petition:
 - a. The information contained in the physician's affidavit or declaration.
 - b–f. The information contained in the attachment (*attach a copy of the attachment Name and Information About the Person Whose Name Is to Be Changed (form NC-110)*).

INSTRUCTIONS FOR FILING PETITION

Where to File

1. The petition for change of name and gender must be filed in the superior court in the county where the petitioner presently lives.

Whose Name May Be Changed

The petition may be used to change one's name and gender.

What Forms Are Required

Prepare an original and two copies of each of the following documents:

- a. *Petition for Change of Name and Gender* (form NC-200).
- b. *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110).
- c. *Order to Show Cause* (form NC-220).
- d. *Decree Changing Name and Gender* (form NC-230).
- e. A physician's declaration documenting the sex change.

Filing and Filing Fee

Prepare an original *Civil Case Cover Sheet* (form 982.2(b)(1)). File the original petition and *Civil Case Cover Sheet* with the clerk of the court and obtain two filed-endorsed copies of the petition. A filing fee will be charged unless you qualify for a fee waiver. (If you want to apply for a fee waiver, see *Application for Waiver of Court Fees and Costs* (form 982(a)(17)); *Information Sheet on Waiver of Court Fees and Costs* (form 982(a)(17)(A)); and *Order on Application for Waiver of Court Fees and Costs* (form 982(a)(18)).)

Requesting a Court Hearing Date

You should request a date for the hearing on the *Order to Show Cause* at least six weeks in the future.

Filing the Order to Show Cause

After the hearing date has been included and you have obtained a judge's signature on the *Order to Show Cause*, file the original order in the clerk's office and obtain filed-endorsed copies of the order.

Publishing the Order to Show Cause

A copy of the *Order to Show Cause* must be published in a local newspaper of general circulation once a week for **at least four consecutive weeks** before the date of the hearing on the petition. The petitioner selects the newspaper from among those newspapers legally qualified to publish orders and notices. The newspaper used must file a Proof of Publication with the superior court before the hearing. If no newspaper of general circulation is published in the county, the court may order the *Order to Show Cause* to be posted by the clerk.

Domestic Violence Confidentiality Program

In cases where the petitioner is a participant in the domestic violence confidentiality program, the petition, the order to show cause published in the newspaper, and the decree should indicate, instead of the proposed name, that the name is confidential and on file with the Secretary of State.

Court Hearing

Bring copies of all documents to the hearing. If the judge grants the name change petition, the judge will sign the original decree.

10. If you want to amend a birth certificate to show the change, you should contact the following office:

**Department of Health Services
Office of Vital Records
304 "S" Street
Sacramento, CA 95814**

Local courts may supplement these instructions. Check with the court to determine whether supplemental information is available. For instance, the court may provide you with additional written information about what department handles name and gender change petitions, when petitions are heard, and which newspapers may be used to publish the *Order to Show Cause*.

PETITIONER OR ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (Name of petitioner): FOR CHANGE OF NAME AND GENDER	
ORDER TO SHOW CAUSE FOR CHANGE OF NAME AND GENDER	CASE NUMBER:

TO ALL INTERESTED PERSONS:

1. Petitioner (*present name*): _____ has filed a petition with this court for a decree changing petitioner's name to (*proposed name*): _____
2. Petitioner has also filed a petition for a decree changing petitioner's gender ☐ from female to male ☐ from male to female and for the issuance of a new birth certificate reflecting the gender and name changes.
3. THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition should not be granted.

NOTICE OF HEARING

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
----------	-------	---------------------------------	--------------------------------

- b. The address of the court is ☐ same as noted above ☐ other (*specify*): _____
4. a. ☐ A copy of this *Order to Show Cause* shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county (*specify newspaper*): _____
- b. ☐ Other (*specify*): _____

Date: _____

JUDGE OF THE SUPERIOR COURT

PETITIONER OR ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (<i>Name of petitioner</i>): FOR CHANGE OF NAME AND GENDER	
DECREE CHANGING NAME AND GENDER	CASE NUMBER:

1. The petition came regularly for hearing on (*date*): _____ in Courtroom: _____ of the above-entitled court.

THE COURT FINDS

2. a. All notices required by law have been given.
 b. Each person whose name is to be changed identified in item 3 below
 (1) ☐ is not ☐ is under the jurisdiction of the Department of Corrections, and
 (2) ☐ is not ☐ is required to register as a sex offender under section 290 of the Penal Code.
 These determinations were made ☐ by using CLETS/CJIS ☐ based on information provided to the clerk of the court by a local law enforcement agency.
 c. ☐ No objections to the proposed change of name were made.
 d. ☐ Objections to the proposed change of name were made by (*name*): _____
 e. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.
 f. ☐ Other findings (*if any*): _____

THE COURT ORDERS

3. The name of (*present name*): _____
 is changed to (*new name*): _____

THE COURT FURTHER ORDERS

4. The gender of (*new name*): _____
 is changed:
 a. ☐ from male to female.
 b. ☐ from female to male.

THE COURT FURTHER ORDERS

5. A new birth certificate shall be issued reflecting the changes in name and gender.

Date: _____

 JUDGE OF THE SUPERIOR COURT
☐ SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

PETITION OF (Name of petitioner or petitioners): <div style="border-bottom: 1px solid black; height: 1.2em; width: 95%; margin-top: 5px;"></div>	CASE NUMBER: <div style="border-bottom: 1px solid black; height: 1.2em; width: 95%; margin-top: 5px;"></div>
FOR CHANGE OF NAME	

**NAME AND INFORMATION ABOUT THE PERSON
WHOSE NAME IS TO BE CHANGED**
Attachment to *Petition* (form NC-100 or form NC-200)

Attachment ____ of ____

(You must use a **separate** attachment for **each person** whose name is to be changed. If petitioner is a guardian of a minor, a supplemental attachment, Declaration of Guardian (form NC-110G), must also be completed and attached for each minor whose name is to be changed.)

6. (Continued) Petitioner applies for a decree to change the name of the following person:

b. ☐ Self ☐ Other

(1) Present name (specify):

(2) Proposed name (specify):

(3) Born on (date of birth):

and presently ☐ under 18 years of age ☐ over 18 years of age

(4) Born at (place of birth):

(5) Sex (as stated on original birth certificate): ☐ Male ☐ Female

(6) Current residence address (street, city, county, and zip code):

c. Reason for name change (explain):

d. Relationship of the petitioner to the person whose name will be changed:

(1) ☐ self

(4) ☐ near relative (indicate relationship):

(2) ☐ parent

(5) ☐ other (specify):

(3) ☐ guardian

e. If the person whose name will be changed is under 18 years of age, provide the names and addresses, if known, of the following persons:

(1) Father (name): (address):

(2) Mother (name): (address):

(3) (Only if neither parent is living) Near relatives (names, relationships, and addresses):

f. If the person whose name will be changed is 18 years of age or older, that person must sign the following declaration:

DECLARATION

I declare under penalty of perjury under the laws of the State of California that ☐ I am not ☐ I am under the jurisdiction of the California Department of Corrections (in state prison or on parole) and ☐ I am not ☐ I am required to register as a sex offender under Penal Code section 290.

Date:

(TYPE OR PRINT NAME OF PERSON WHOSE NAME IS TO BE CHANGED)

(SIGNATURE OF PERSON WHOSE NAME IS TO BE CHANGED)

(If petitioner is represented by an attorney, the attorney's signature follows):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

(Each petitioner must sign this petition in the space provided below or, if additional pages are attached, at the end of the last attachment.) I declare under penalty of perjury under the laws of the State of California that the information in the foregoing petition is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

☐ ADD ADDITIONAL SIGNATURE LINES FOR ADDITIONAL PETITIONERS

☐ SIGNATURE OF PETITIONERS FOLLOWS LAST ATTACHMENT

Comments for SPR02-14
Petition for Name and Gender Change

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Hon. Ronald L. Bauer Chair Rules and Forms Committee Superior Court of California, County of Orange	AM	Y	The Rules and Forms Committee of the Orange County Superior Court reviewed the proposal and approved the following comment: The boxes in the Declaration Section on form NC-110 need to be realigned.	The committee agreed and made these changes.
2.	Robert Doyle Co-Chair State Bar of California's Committee on Sexual Orientation and Gender	A	N	The Committee on Sexual Orientation and Gender Identity Discrimination (CSOGID) supports this proposal because it will make it easier for people to file name/gender change petitions, especially people who cannot afford lawyers.	The committee agreed that the forms will make it easier for people to file petitions for change of name and gender.
3.	George Ducich Rules and Forms Coordinator Superior Court of California, County of San Diego	N	N	This seems to be extraneous for a very small percentage of the population. Existing forms for change of name could be used or pleadings could be prepared.	The committee disagreed. The adoption of these forms will standardize the procedure for obtaining combined name and gender change decrees and will facilitate access to the courts.
4.	Sephanie Harbin Supervising Legal Clerk II Superior Court of California, County of Stanislaus	A	N	Agree with proposed changes.	No response required.
5.	Andrea Nelson Deputy Court Executive Officer Superior Court of California, County of Butte	A	N	Agree with proposed changes.	No response required.
6.	Lenor R. Noll Deputy Court Executive Officer Superior Court of California, County of Monterey	A	N	Agree with proposed changes.	No response required.

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

Comments for SPR02-14
Petition for Name and Gender Change

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
7.	Diana Valenzuela Calendar Coordinator Superior Court of California, County of Monterey	A	N	Agree with proposed changes.	No response required.
8.	Terri White Court Programs Supervisor Superior Court of California, County of Ventura	AM	N	Form NC-110—The title of the document is missing the words “AND GENDER” at the bottom of the document.	This document, which will primarily be used for name changes, does not need two additional words at the bottom. The instructions on NC-200 make it clear that this form is also to be used for gender change cases. But the inclusion of “AND GENDER” on the form mostly used just for name changes would be confusing to the public.

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.